

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1-33 were pending in the present application. At the outset, the indication of allowable subject matter in claims 14, 23 and 25 is acknowledged with appreciation. [10/2/06 Office Action at p. 18].

By this paper, claims 4, 6, 20, 32-33 are cancelled without prejudice or disclaimer. In addition, claims 1, 5, 7, 10, 17-19, 21-22, 24, 26, 31 are amended to depend from allowable independent claim 14, and claims 2-3, 8-9, 11 are amended to depend from allowable independent claim 25. Further, claim 29 is amended to depend from claim 26, instead of cancelled claim 20. No new matter has been added by these amendments. Entry is respectfully requested pursuant to 37 C.F.R. § 1.116 as these amendments will place this application in condition for allowance or in better condition for appeal by canceling rejected claims or otherwise reducing issues for appeal.

As to the merits, several rejections were made. Claims 32 and 33 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,550,935 to Ueno et al. ("Ueno"). [10/2/06 Office Action at pp. 16-18]. Claims 1-4, 7, 9, 17-18, 20-22, 24, 29 and 31¹ were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ueno in view of U.S. Patent No. 6,066,921 to Nakamura et al. ("Nakamura"). [10/2/06 Office Action at pp. 5-8]. Claims 5-6 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ueno. [10/2/06 Office Action at pp. 9-10]. Claims 8 and 10 were

¹ Applicants note that claims 21-22 and 29 are not mentioned in the summary statement on page 5 of the office action, but are addressed in the detailed comments that follow. Accordingly, for purposes of this response, Applicants have presumed that claims 21-22 and 29 were also rejected as allegedly being obvious over Ueno in view of Nakamura. In the Office Action intended some other treatment of these claims, clarification is requested.

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rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ueno in view of U.S. Patent No. 4,293,179 to Vonder (“Vonder”). [10/2/06 Office Action at pp. 10-11]. Claims 11-13, 15-16 and 19 were rejected under U.S.C. § 103(a) as allegedly being unpatentable over Ueno in view of U.S. Patent No. 4,138,711 to Bremenour et al. (“Bremenour”). [10/2/06 Office Action at pp. 11-12]. Claim 19 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ueno in view of U.S. Patent No. 6,543,904 to Martinez-Goottschalk et al. (“Goottschalk”). [10/2/06 Office Action at p. 12]. Claims 26-28 and 30 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ueno in view of U.S. Patent No. 5,678,916 to Watanabe et al. (“Watanabe”). [10/2/06 Office Action at pp. 12-16].

Each of these rejections is respectfully asserted to be moot in light of the above-referenced amendments, which cancel the rejected claims or amend them to depend from the allowable claims.

Claims 1, 4, 8, 10, 14, 17, 18, 20 and 24-31 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-5, 9-16, 19, 20, 23 and 25-27 of copending Application No. 10/635,358 (the “358 application”) in view of U.S. Patent No. 5,975,715 to Bauder (“Bauder”). [10/2/06 Office Action at pp. 3-5]. The ‘358 application has been allowed and the issue fee has been paid. Submitted herewith is a terminal disclaimer, which is believed to obviate the provisional obviousness-type double patenting rejection. The submission of this terminal disclaimer should not be understood to be a concession that the pending claims are in fact obvious. Withdrawal of the double patenting rejection is requested.

CONCLUSION

Accordingly, claims 1-3, 5, 7-19, and 21-31 are believed to be in condition for allowance, and this application is otherwise believed to be in condition for allowance. An

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early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1948-4837.

Respectfully submitted,
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